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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,390	02/10/2000	Roger K. Brooks	19838-000330US	5106

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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

7

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/502,390

Applicant(s)
Roger Brooks et al.

Examiner
Shawn An

Art Unit
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 14, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Restriction/Election and Preliminary Amendment

1. Applicants elect without traverse, the distinct specie which reads on claims 16-22. Claims 1-15 are non-elected claims. Furthermore, the Examiner could determine/consider whether the claim 16 is generic or not over the non-elected claims, if and when claim 16 becomes allowable. The requirement is deemed proper and is therefore made FINAL.
2. As per Applicant's instruction in Paper 6 as filed on 8/14/03, claims 23-29 have been newly added.

Specification

3. Claim 29 is objected to because of the following informalities:
On dependent claim 29, line 1, "27" should be changed to "28" because reducing frame rate is stated in the claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 16-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Guetz et al (6,091,777).

Regarding claims 16, 18-19, 23, 25-26, Guetz et al discloses a program product (Fig. 1, col. 11, lines 12-18) and a method for dynamically reducing a bandwidth of an input video stream to meet bandwidth requirements for an output video stream, comprising:

receiving frames of data derived from the input video stream (Fig. 1, NTSC input);
receiving color bandwidth requirements for the output video stream, and an encoding format for the output video stream (col. 10, lines 36-60);
reducing bandwidth used by frames of data in response to bandwidth requirements (col. 11, lines 1-11);
encoding bandwidth reduced frames of data to form the output video stream.(Fig. 1).

Regarding claims 17 and 24, Guetz et al discloses reducing spatial bandwidth used by the frames of data in response to the spatial bandwidth requirement (col. 2, lines 10-22).

Regarding claims 20 and 27, Guetz et al discloses reducing color comprising reducing a bit depth the frames of data (col. 10, lines 61-67; col. 11, lines 1-11).

Regarding claims 21-22 and 28-29, Guetz et al discloses reducing frame rate of the frames of data in response to the frame rate requirements (col. 11, lines 1-18).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Lobodzinski (5,619,995), Motion video transformation system and method.

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7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday through Friday.

RECEIVED
PATENT EXAMINER

SSA 

October 28, 2003